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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/027,215      | 12/21/2001  | Steve Tischer        | BS01280 (BS01280)   | 1463             |

7590 04/07/2004

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| EXAMINER |
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ISSING, GREGORY C

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| ART UNIT | PAPER NUMBER |
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3662

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/027,215

Applicant(s)

TISCHER, STEVE

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 41-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 41-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tennison in view Ladner et al.

Tennison et al disclose collecting and reporting information, such as position, of mobile platforms/assets (col. 2, lines 33-40) to interested third parties, i.e. users, via a data network, such as the Internet, using a conventional web browser (col. 1, lines 28-48). The user has control over the information collection and reporting operations of the control processor in the mobile platform (col. 2, lines 10-16). The mobile platform includes a GPS receiver for receiving satellite signals and for processing according to well-known techniques to derive related information (col. 2, lines 42-54) that is communicated to a central controller, shown in Figure 2, via any one or more of a number of different communications media such as satellite, cellular, group mobile radio, etc (col. 3, lines 14-22). The central controller receives, from the wireless media, and stores the position information in a database 56 and uses an application processor 58 to access the database to retrieve the information, manipulate it and present tracking data of the mobile platform for third party review (col. 5, line 30 col. 6, line 55). The information presented to the third party may include paths of movement of the mobile platforms on geographic maps.

Tennison et al teach all of the claimed elements of claims 41-60 with the exception of two features: firstly, the application processor is not specified as "extrapolating current location in the absence of a current location data point," even though raw, intermediate, and final data as

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well as course plotting is taught, and secondly, the information provided in the form of a voice synthetic message is not specified, even though Web browsing over the Internet is taught.

Ladner et al teach the extrapolation of position in a wireless tracking system and the desire to perform such, see col. 6, lines 49-62.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elliot by incorporating the extrapolation function of Ladner et al so as to maintain tracking capabilities when a current location is not able to be provided to the central control station.

3. Claims 41-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot in view of Ladner et al.

Elliot discloses a mobile wireless tracking system using a central control system (col. 5, lines 47-59), having a database 26 wherein the mobile device 12 sends its location information via paging/cellular communications (wireless). The central controller translates the coordinate data to commonly recognized location references, including distal radius from a unique landmark, and provides graphical displays on a road map accessible via a Web Browser. Voice contact or an VRU interface may be used to communicate the central station information to a registered user (col. 7, lines 42-50). A "history button" at the user provides a track of historical locations, i.e. plotted movement, of the mobile device from the central controller further teaches historical tacking at the tracking server and the user interface being a voice connection (col. 3, lines 57-63).

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Elliot teaches all of the claimed limitations with the exception of "extrapolating current location in the absence of a current location data point," even though historical plotting is provided and made available from the central station to the user.

Ladner et al teach the extrapolation of position in a wireless tracking system and the desire to perform such, see col. 6, lines 49-62.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elliot by incorporating the extrapolation function of Ladner et al so as to maintain tracking capabilities when a current location is not able to be provided to the central control station.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 41-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Ladner et al.

Ladner et al teach a system and method for locating a wireless mobile device 12 using a data processing station 18, which station is shown in Figure 3. The data processor station receives position information transmitted over a wireless cellular network from the mobile device, which is shown in Figure 2, and stores the position information in memory 40A/50A. The processor station tracks the movement of the wireless device and extrapolates a current position under a number of circumstances, including loss of communication (col. 6, lines 49-62).

#### Arguments

Applicants have changed their alleged novelty again and now argue that the prior art fails to disclose a tracking system wherein current location is extrapolated from historical position(s) in

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the absence of a current position. This is not persuasive, particularly in light of the teachings of Ladner et al and specifically in view of that which is stated at col. 6, lines 49-62, therein.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown discloses tracking a mobile wireless device by a third party user wherein it is taught that use of previous readings of position, a location history, can aid in the tracking of the device and pinpointing its location when GPS signals are not receivable by the mobile wireless device (col. 5, lines 1-9).

Corwith discloses the conventionality of extrapolation algorithms in vehicle tracking.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

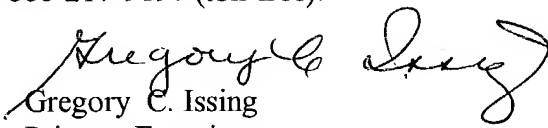
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gregory C. Issing  
Primary Examiner  
Art Unit 3662

gci  
4/5/2004